

**Special Rapporteur on the situation of human rights in the Islamic Republic of Iran
A/HRC/43/61 para 68(c)**

Full recommendation:

The Special Rapporteur recommends that the Government, the judiciary and the parliament: Take all measures necessary to mitigate the effects of economic sanctions, meet the obligations of the Islamic Republic of Iran under the International Covenant on Economic, Social and Cultural Rights, including on the protection of vulnerable groups, and establish transparent financial mechanisms to ensure that trade in medicines and other essential humanitarian items continues;

Assessment using Impact Iran human rights indicators¹

A. The Special Rapporteur recommends that the Government and Parliament: Take all measures necessary to mitigate some of the effects of economic sanctions,

Broad economic sanctions imposed on the Islamic Republic of Iran have been found to have had a negative impact on the wellbeing of Iranians. Although exempting humanitarian imports, unilateral sanctions have drastically constrained the state's ability to finance humanitarian imports, endangering access to medical care.² The COVID-19 pandemic has exacerbated the health crisis and the impact of economic sanctions on the human rights situation in Iran.^{3 4}

The Government of the Islamic Republic of Iran has taken measures to mitigate the health and economic impacts of the pandemic, notably by withdrawing \$1.1 billion from the National Development Fund⁵ and announcing, in March 2020, it would invest some 10 per cent of GDP into COVID-19 relief and recovery measures, among other initiatives.^{6 7}

However, as the UN Secretary General also noted, the difficulties faced by the Government to contain the COVID-19 pandemic nationally is not only owed to the "wider economy being

¹ ESCR.2.2.S.1

ESCR.2.2.P.1

ESCR.2.2.O.1

² Human Rights Watch, <https://www.hrw.org/report/2019/10/29/maximum-pressure/us-economic-sanctions-harm-iranians-right-health>

³ Report of the UN Secretary General on the situation of human rights in the Islamic Republic of Iran, August 2020, <https://undocs.org/Home/Mobile?FinalSymbol=A%2F75%2F287&Language=E&DeviceType=Desktop>

⁴ Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, July 2020, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N20/190/27/PDF/N2019027.pdf?OpenElement>

⁵ See <http://khabaronline.ir/news/1373601>.

⁶ See www.imf.org/en/Topics/imf-and-covid19/Policy-Responses-to-COVID-19#I.

⁷ See more: Report of the UN Secretary General on the situation of human rights in the Islamic Republic of Iran, August 2020, <https://undocs.org/Home/Mobile?FinalSymbol=A%2F75%2F287&Language=E&DeviceType=Desktop>

weakened by the cumulative effect of sanctions” but also the already existing national health-care system.⁸

B. The Special Rapporteur recommends that the Government and Parliament: to meet its obligations under the International Covenant on Economic, Social and Cultural Rights, including on the protection of vulnerable groups.

Although exacerbating discrimination, the economic sanctions are not responsible for the lack of protection of vulnerable groups in the Islamic Republic of Iran. Indeed, the lack of protection of vulnerable groups, as well as discriminatory practices in contravention of the International Covenant on Economic, Social and Cultural Rights, stems from Iranian law.

Article 14 of the Constitution stipulates that the government and Muslims in Iran are “duty-bound to treat non-Muslims in conformity with ethical norms and the principles of Islamic justice and equity, and to respect their citizen rights”.⁹ Additionally, Article 19 of the Constitution omits an explicit provision recognizing religion or belief as a protected characteristic against discrimination.¹⁰ Article 23 of the Constitution stipulates that “the investigation of individuals’ beliefs is forbidden, and no one may be molested or taken to task simply for holding a certain belief.”¹¹

These protections, however, only apply to those “who refrain from engaging in conspiracy or activity against Islam and the Islamic Republic of Iran”.

The Constitution of the Islamic Republic of Iran names the Twelver *Ja’fari* School of Shia Islam as the state religion. Only Muslim minorities (including Sunnis), Zoroastrian, Jewish and Christian Iranians are recognized under the Constitution.¹² Because there are no laws safeguarding the right of religious minorities to worship, maintain places of worship or assemble, the structural exclusion of other religious minorities leaves them without legal protection to manifest and practice their religion or belief. Further, regulations may actively discriminate against members belonging to unrecognized religious minorities. For instance, a new rule proclaimed in January 2020, will only allow citizens to register as one of the country’s recognized religions to the state-issued National Identity Card—which is required for almost all

⁸ Report of the UN Secretary General on the situation of human rights in the Islamic Republic of Iran, August 2020, <https://undocs.org/Home/Mobile?FinalSymbol=A%2F75%2F287&Language=E&DeviceType=Desktop>

⁹ The Constitution of the Islamic Republic of Iran, English translation, <https://irandataportal.syr.edu/wp-content/uploads/constitution-english-1368.pdf>

¹⁰ The Constitution of the Islamic Republic of Iran, English translation, <https://irandataportal.syr.edu/wp-content/uploads/constitution-english-1368.pdf>

¹¹ The Constitution of the Islamic Republic of Iran, English translation, <https://irandataportal.syr.edu/wp-content/uploads/constitution-english-1368.pdf>

¹² Articles 12 and 13 of the Constitution of the Islamic Republic of Iran, English translation, <https://irandataportal.syr.edu/wp-content/uploads/constitution-english-1368.pdf>

government and other transactions.¹³ A bill currently under review of the Iranian Parliament as of November 2020 would criminalize “any deviant educational or proselytizing activity that contradicts or interferes with the sacred law of Islam” when it is, among others, part of a “sect”, or through the use of “mind control methods and psychological indoctrination”. As stipulated by the Human Rights Committee, the mere ‘contradiction’ or ‘interference’ with the state’s official religion is not a permissible ground for the restriction of the right to religion or belief.¹⁴ Additionally, such bill may well disproportionately impact individuals belonging to unrecognized religious minorities, such as *Baha’is*, numbering 350,000 in Iran,¹⁵ who are often arrested and detained on the basis of their religious beliefs, notably on the charge of proselytizing the *Baha’i* faith.¹⁶

Many elements of Iran’s domestic legal framework discriminate between *Shia* Muslims, Muslim and non-Muslim minorities, including recognized minorities. According to the Constitution of the Islamic Republic of Iran, candidates for the presidency, members of the Assembly of Experts, the Guardian Council, or the Expediency Council all must follow the official religion of the State, excluding Muslim and non-Muslim minorities from holding high governmental positions.¹⁷ Further, Article 881 of the Civil Code bars non-Muslims from inheriting property from Muslims. The Islamic Penal Code (IPC) also prescribes different penalties depending on the religion of the perpetrator and/or the victim of some crimes.

The lack of legal safeguards enables Iranian authorities to restrict the rights of members belonging to religious minorities and to criminalize a wide range of their peaceful activities. Reports have shown that religious minorities in the Islamic Republic of Iran face human rights violations such as: arbitrary deprivation of life, extrajudicial executions, a disproportionate number of executions on national security-related charges, arbitrary arrests and detention in connection with range of peaceful activities, incitement to hatred, forced closure of businesses and discriminatory practices and denial of employment and restrictions on access to education and other basic services.¹⁸

Article 19 of the Constitution guarantees that all people enjoy equal rights, “whatever the ethnic group or tribe to which they belong” and that “color, race, language, and the like, do not bestow

¹³ Center for Human Rights in Iran, <https://www.iranhumanrights.org/2020/01/bahais-unrecognized-minorities-in-iran-must-now-hide-religion-to-obtain-government-id/>

¹⁴ UN Human Rights Committee (HRC), *CCPR General Comment No. 22: Article 18 (Freedom of Thought, Conscience or Religion)*, 30 July 1993, CCPR/C/21/Rev.1/Add.4, available at: <https://www.refworld.org/docid/453883fb22.html>

¹⁵ Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, 18 July <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N19/222/62/PDF/N1922262.pdf?OpenElement>

¹⁶ ARTICLE19, <https://www.article19.org/resources/iran-lawmakers-must-urgently-drop-the-bill-that-criminalises-fundamental-rights-and-freedoms/>

¹⁷ The Constitution of the Islamic Republic of Iran, English translation, <https://irandataportal.syr.edu/wp-content/uploads/constitution-english-1368.pdf>

¹⁸ Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, 18 July 2019, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N19/222/62/PDF/N1922262.pdf?OpenElement>

any privilege”.¹⁹ Article 20 of the Constitution states that “All citizens of the country, both men and women, equally enjoy the protection of the law and enjoy all human, political, economic, social, and cultural rights, in conformity with Islamic criteria”.

For instance, the use of minority languages is effectively restricted under the Constitution, notably in school where the teaching of a minority language is only permitted for literature classes. The Ministry of Education has reportedly circulated reminders to teachers and school administrators that the use of Kurdish and Turkish languages inside public schools is forbidden.²⁰ Furthermore, Kurdish language teachers have faced harassment and persecution.²¹

Additionally, ethnic minorities are widely underrepresented in public affairs. For instance, no province governor belongs to an ethnic minority. None of the provinces that are populated in majority by minority groups, like Kurdistan, Sistan-and-Balochistan, Golestan, East and West Azerbaidjan, are run by a person belonging to that minority.²² Furthermore, provinces in Iran that are predominantly inhabited by ethnic minorities, such as Khuzestan with a majority of Awhazi Arabs, or Sistan-Baluchestan with a majority of Baluchis, are generally underdeveloped with a significant part of their population living under the poverty line.²³

In 2018, prison data showed that at least three quarters of Iran’s political prisoners are from ethnic minorities.²⁴ Current statistics from the NGO United for Iran indicate that a majority of current prisoners of consciences are Kurds.²⁵ Ethnic minorities, especially Kurds and Baluchis, are over-represented in death penalty statistics. Many of the offenses carrying the death penalty, in particular drug-related offenses and national security offenses, are among the charges most commonly used to target and convict minorities. Impoverished and marginalized minorities have been over-represented among those executed for drug offenses. Additionally, Kurdish political prisoners charged with national security offences represent almost half of the total number of political prisoners. Overall, half of those executed for affiliation with a political party or a banned group between 2010 and 2018 were Kurds, while a quarter were Baluchis and over one-tenth Arabs. There have also been serious concerns over the secret executions of Ahwazi Arab

¹⁹ The Constitution of the Islamic Republic of Iran, English translation, <https://irandataportal.syr.edu/wp-content/uploads/constitution-english-1368.pdf>

²⁰ Minority Groups, <https://minorityrights.org/wp-content/uploads/2018/03/Rights-Denied-Violations-against-ethnic-and-religious-minorities-in-Iran.pdf>

²¹ Joint submission to the Human Rights Committee from All Human Rights for All in Iran, Association for Human Rights in Kurdistan – Geneva, Association for the Human Rights of the Azerbaijani People in Iran, Iran Human Rights Documentation Center, OutRight International, Siamak Pourzand Foundation, Small Media, Impact Iran, 2020, https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/IRN/INT_CCPR_NGO_IRN_42317_E.pdf

²² Joint submission to the Human Rights Committee from All Human Rights for All in Iran, Association for Human Rights in Kurdistan – Geneva, Association for the Human Rights of the Azerbaijani People in Iran, Iran Human Rights Documentation Center, OutRight International, Siamak Pourzand Foundation, Small Media, Impact Iran, 2020, https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/IRN/INT_CCPR_NGO_IRN_42317_E.pdf

²³ Minority Groups, <https://minorityrights.org/wp-content/uploads/2018/03/Rights-Denied-Violations-against-ethnic-and-religious-minorities-in-Iran.pdf>

²⁴ Minority Groups, <https://minorityrights.org/wp-content/uploads/2018/03/Rights-Denied-Violations-against-ethnic-and-religious-minorities-in-Iran.pdf>

²⁵ United for Iran, <https://ipa.united4iran.org/en/prisoner/>

prisoners in 2018, as Ahwazi Arab activists have reported that 22 men were executed in secret in 2018.²⁶

Since February 2018, members of the *Gonabadi Dervishes* faith have faced a crackdown, with hundreds arrested following a peaceful protest and over 200 sentenced to lengthy prison terms, flogging and other punishments.²⁷ Dozens remained imprisoned on charges including “gathering and colluding to commit crimes against national security”.²⁸ Reports have shown that members of the Christian converts minority were regularly being arrested on the charges of “Christian activity” or “acting against national security through propaganda against the regime”.²⁹ Members of the *Baha’i* faith, have faced a range of charges for manifesting their faith, including “collusion and assembly against national security” and “formation and management of an illegal *Baha’i* group with intent to disturb national security”.³⁰

While it is technically possible to file discrimination complaints with the Administration of Justice Court, the Article 90 Commission in the parliament, and the Oversight Bodies for the exercise of Citizenship Rights in the country’s provincial courts, there is no evidence that judicial actions are taken in response to complaints.³¹ Hate crimes, such as motivated killings and desecration of cemeteries, particularly against *Baha’is*, have not been investigated by the Iranian authorities.^{32 33}

Arabs, Azerbaijani Turks, Baluchis and Kurds face targeted discrimination on the basis of their identity and are generally sidelined from general public services, including education and health care. Provinces in Iran that are predominantly inhabited by ethnic minorities, such as Khuzestan with a majority of Ahwazi Arabs, or Sistan-Baluchestan with a majority of Baluchis, are generally undeveloped with a significant part of their population living under the poverty line.³⁴

²⁶ Amnesty International, <https://www.amnesty.org/en/latest/news/2018/11/iran-fears-mounting-for-detained-ahwazi-arabs-amid-reports-of-secret-executions/>

²⁷ See more: Iran Human Rights Documentation Center, <https://iranhrdc.org/living-under-suppression-the-situation-of-gonabadi-dervishes-in-iran/>

²⁸ Amnesty International, <https://www.amnesty.org/download/Documents/MDE1318292020ENGLISH.PDF>

²⁹ EN-HRANA, <https://www.en-hrana.org/a-report-on-fateme-mary-mohammadi>

³⁰ Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, 28 January 2020, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G20/021/53/PDF/G2002153.pdf?OpenElement>

³¹ Joint submission to the Human Rights Committee from All Human Rights for All in Iran, Association for Human Rights in Kurdistan – Geneva, Association for the Human Rights of the Azerbaijani People in Iran, Iran Human Rights Documentation Center, OutRight International, Siamak Pourzand Foundation, Small Media, Impact Iran, 2020, https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/IRN/INT_CCPR_NGO_IRN_42317_E.pdf

³² Joint submission to the Human Rights Committee from All Human Rights for All in Iran, Association for Human Rights in Kurdistan – Geneva, Association for the Human Rights of the Azerbaijani People in Iran, Iran Human Rights Documentation Center, OutRight International, Siamak Pourzand Foundation, Small Media, Impact Iran, 2020, https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/IRN/INT_CCPR_NGO_IRN_42317_E.pdf

³³ Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, 18 July 2019, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N19/222/62/PDF/N1922262.pdf?OpenElement>

³⁴ Minority Groups, <https://minorityrights.org/wp-content/uploads/2018/03/Rights-Denied-Violations-against-ethnic-and-religious-minorities-in-Iran.pdf>

The disproportionate socioeconomic hardship on vulnerable groups such as ethnic and religious minorities in the Islamic Republic of Iran, admittedly exacerbated by economic sanctions, may well stem from the discriminatory Iranian legal system and practices.^{35 36} Regardless, the Islamic Republic of Iran has not met its obligations under the International Covenant on Economic, Social and Cultural Rights, including on the protection of vulnerable groups.

**B. The Special Rapporteur recommends that the Government and Parliament:
Establish a transparent financial mechanism to ensure that trade in medicines
and other essential humanitarian items continues.**

There is no readily available information that might suggest that the Islamic Republic of Iran has established a transparent financial mechanism to ensure that trade in medicines and other essential humanitarian items continues.

Recommendation Status:

This recommendation has **NOT** been implemented.

³⁵ See more : Joint submission to the Human Rights Committee from All Human Rights for All in Iran, Association for Human Rights in Kurdistan – Geneva, Association for the Human Rights of the Azerbaijani People in Iran, Iran Human Rights Documenttention Center, OutRight International, Siamak Pourzand Foundation, Small Media, Impact Iran, 2020, https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/IRN/INT_CCPR_NGO_IRN_42317_E.pdf

³⁶ See more : Minority Groups, <https://minorityrights.org/wp-content/uploads/2018/03/Rights-Denied-Violations-against-ethnic-and-religious-minorities-in-Iran.pdf>